

REMARKS

I. Status of Claims:

Claims 1-29, and 32-43 are pending in this application.

The Examiner withdrew claims 9, 10, 34-37, and 39-41 from examination (*see*, Office Action, page 2, first paragraph, lines 5-6).

Claims 16-18, 23-25, and 28 have been amended herein, as requested by the Examiner, to replace the numeric identifiers recited in these claims with alphabetical identifiers (*see*, Office Action, page 3, first paragraph of *Conclusion*, lines 8-10).

In response to the Restriction Requirement dated June 27, 2008, Applicants elected, with traverse, Group IV, claim 32, drawn to an antibody that "recognizes the region of amino acids 26-274 of human MPL." Applicants gratefully note that, on consideration of Applicants' arguments, the Examiner has rejoined claims 1-8, 11-15, 33, 42 and 43 (*see*, Office Action, page 2, first paragraph) with elected claim 32. It is Applicants' understanding that the Examiner also intended to rejoin claim 38 (*see*, Office Action, page 2, line 14).

Applicants respectfully request that the Examiner reconsider withdrawing claims 39-41 from the claims under examination because these claims properly depend from claim 32 of elected Group IV. Accordingly, Applicants respectfully request that claims 39-41 be examined on the merits along with claims 1-8, 11-33, and 38.

II. Response to Election Requirement:

According to the Office Action, Applicants' election of September 28, 2008, was purportedly incomplete, and therefore non-responsive. Specifically, the Examiner stated:

Applicants were clearly required to elect a single ultimate species to which examination would be restricted in the event that the generic claim were found non-allowable, which they have not done. Specifically, it would seem that the species of claims 26-29 are the ultimate species of antibodies, whereas applicants have elected CDRs and framework regions. Applicants are required to elect a single ultimate species, including all included CDR's and Framework regions, and to further disclose which CDRs and framework regions correspond to the ultimate species. (*see*, Office Action, page 2, lines 18-23; emphasis in original).

In response, Applicants elect, as the single ultimate species, the antibody recited in **claim 28(a)**. The heavy chain variable region of the elected antibody comprises the amino acid sequence of **SEQ ID NO: 229**, and the light chain variable region of the elected antibody comprises the amino acid sequence of **SEQ ID NO: 238**. The elected species reads on **claims 1-8, 11-33, and 38-43**.

The heavy chain variable region specified by SEQ ID NO: 229 includes CDR1, CDR2, and CDR3 identified by **SEQ ID NOS: 36, 37, and 38**, respectively, and FR1, FR2, FR3, and FR4 identified by **SEQ ID NOS: 230, 232, 234, and 236**, respectively.

The light chain variable region specified by SEQ ID NO: 238 includes CDR1, CDR2, and CDR3 identified by **SEQ ID NOS: 93, 94, and 95**, respectively, and FR1, FR2, FR3, and FR4 identified by **SEQ ID NOS: 239, 241, 243, and 245**, respectively.

It is Applicants' understanding that the above election, and the identification of all CDRs and framework regions corresponding to the ultimate species elected, fully satisfies the requirement set forth in the Office Action.

Applicant : Hiroyuki Tsunoda et al.
Serial No. : 10/551,504
Filed : May 12, 2006
Page : 14 of 14

Attorney's Docket No.: 14875-0153US1 / C1-A0320Y2P-US

CONCLUSION

Applicants petition for a 5-month extension of time from June 27, 2008, to December 27, 2008. Applicants already filed a petition for a 2-month extension of time when responding to the Restriction Requirement dated June 27, 2008, on September 29, 2008. Therefore, Applicants aver that fees are to be paid only for the remaining 3-month period (*i.e.*, from September 29, 2008 to December 27, 2008) to maintain this application in good standing. Accordingly, Applicants authorize the Office to apply the requisite charges to Deposit Account No. 06-1050. *If, Applicants are incorrect and additional fees are required, the Office is authorized to consider this reply as including an authorization to the Office to apply any such additional fees to maintain this application in good standing.*

Please apply the requisite charges or credits to Deposit Account No. 06-1050 referencing Attorney Docket No. 14875-0153US1 / C1-A0320Y2P-US.

Respectfully submitted,

Date: December 23, 2008

/Janis K. Fraser/
Janis K. Fraser, Ph.D., J.D.
Reg. No. 34,819

Fish & Richardson P.C.
Customer No. 26161
Telephone: (617) 542-5070
Facsimile: (877) 769-7945
Email: apsi@fr.com